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TRUTH, JUSTICE AND THE CONSTITUTION.

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DEMOCRATIC PIONEER.

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TO BE CONSOLIDATED.

AN ARRANGEMENT HAS BEEN

concluded between R. A. PRYOR,

editor of the Richmond South, and the

proprietor of this paper, by which

the South and the States are to be

consolidated into one paper, to be

published in this city, in an enlarged

form, and to be under the editorial

control of Mr. Pryor. The paper will

be devoted to the general inter-

ests of the Democratic party, in accordance

with the principles of State-rights Democracy.

Mr. Pryor will undertake the editorial

control of the paper between the 20th

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It will be continued under the name of

"THE STATES," and published on the

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As the proceedings of Congress will

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2000 Gold Lockets (small size), - - - - - 3 00

1000 Gold Pencil Cases, with Gold

Pens, - - - - - 5 00

1000 Extra Gold Pens, with cases

and holders, - - - - - 3 50

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GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT.
Raleigh, Nov. 16, 1858.

To the Honorable, the General Assembly
of the State of North Carolina:

The meeting of the representatives of the people in General Assembly is always a matter of public interest. Clothed as they are with the exclusive law-making power of the State, with no check upon their exercise, when constitutionally employed, save that of public opinion and with authority also to elect persons to fill high and important stations, not only in the State, but in the councils of the Federal Government, we can well see why the assembling of such a body should excite the liveliest interest. But while this has been usually the case with regard to Legislatures which have preceded the present one, it is emphatically so at this.

Questions of State policy and duty of very grave importance, it is known, will be presented to you, as to some of which, doubtless, much diversity of opinion will be found to exist.

In a Government constituted like ours, these differences of opinion will always prevail, not only between political parties into which a community may be divided, but between the members, even, of the same party organization. Such differences, however, are but the result of that freedom of opinion to which all are entitled, and for the proper exercise of which no one ought to complain.

I deem not that you will be prepared to give to all matters upon which you may be entitled to act, a careful consideration, and I trust that in doing so, your councils may be so guided as to promote the general welfare of the State. In the discharge of my duty, I shall, in this communication, lay before you such views and suggestions of my own, as I deem suitable to the occasion.

The first subject to which I invite your attention is the very important one of the State debt and finances.

In reply to a resolution of the last General Assembly, the Public Treasurer reported the bonded debt of the State to be, on the 15th Dec., 1856, \$5,153,802.55 of which has been since paid a bond to the trustees of the University of North Carolina, 6,000 00

\$5,147,802.55

This debt has been since increased by the amounts and for the purposes following:

Consolidating interest, with principal on bonds to Literary Board, by resolution of the last General Assembly, \$25,202.45

Bond to bank of Cape Fear, for loan, 41,000 00

Bonds for Fayetteville and Altham, 20,000 00

Plank Road, 6,000 00

Lanatic Asylum, 21,000 00

Atlantic and North Carolina Railroad for balance of subscription, 533,500 00

Lanatic Asylum, 35,000 00

Chesapeake and Albemarle Canal Company, 251,000 00

Loan to Atlantic and North Carolina Rail Road Company, 400,000 00

Western North Carolina Rail Road, 400,000 00

-----1,731,702.45

\$6,879,505.00

Making the bonded debt of the State upon which she is primarily liable, at this time, six millions eight hundred and seventy-nine thousand five hundred and five dollars.

Of this amount, the payment of the principal and interest of the sum of \$400,000, bonded State Bonds to the Atlantic and North Carolina Railroad Company, is secured by a deed in trust on the Road and other property of the Company, in conformity to the act of last session authorizing the loan. So far the Company has failed to pay the interest of the bonds. It is hoped, however, that when fairly in operation, it will be able to do so, and relieve the State to that extent.

I will state also that, for two years last past, the State has been compelled to pay the interest upon bonds of the Cape Fear and Deep River Navigation Company for \$300,000, by reason of her endorsement thereof, and that she is liable in like manner for the ultimate payment of the principal as it falls due, one-third in the year 1865, the like amount in 1875 and the residue in 1885.

Under existing laws, the State Bonds are to be issued as follows:

For balance of first subscription to Western North Carolina Railroad, \$200,000 00

For subscription to same, made 10th August last, under act of last session, to complete the first section of the Road to Morganton, 440,000 00

Making, \$640,000 00

These bonds, in all probability, will be called for and issued before the meeting of the next General Assembly.

It is proper for me to state also, that there has been, for some years, a floating debt due by the State, kept on foot from year to year, by resolutions passed from time to time by the Legislature, authorizing the Public Treasurer to make temporary loans to pay the liabilities of the State, and which loans have been annually paid off upon the coming in of the public taxes. The amount of this debt has been gradually increased by the payment of interest on these loans and the excess of appropriations over the receipts from revenue, until it reached near the end of the last fiscal year, about the sum of \$302,418.

This debt has been a serious inconvenience, I may say, in fact an incumbrance upon the Treasury, and will continue to be so, unless some permanent provision is made for its relief.

It is true, the debt was discharged out of the incoming revenue at the end of the last fiscal year, but it has left a vacuum in the Treasury to that extent, which must be supplied by new loans, or in some other manner, before the incoming of the present fiscal year. In fact, it is the opinion of the Public Treasurer, as you will see from his estimates, that, if temporary loans are resorted to the amount of the floating debt this fiscal year will exceed that of the last, and that about the sum of \$400,000 will be required. This amount taken from the revenue to be paid at the end of this fiscal year, would nearly empty the Treasury and leave it without means for the next twelve months.

The monetary difficulties experienced throughout the country in the fall of last year and for several successive months thereafter, fully proved the impolicy of trusting to the resource of such loans to preserve the credit and honor of the State. It gives me pleasure to say that by this emergency, our banks, with some two or three exceptions, came to the aid of the State and thus enabled the Public Treasurer to meet all her engagements.

It seems to me to be a matter of the first importance to relieve the Treasury from this burthen and to place it upon such footing for the future, that a like hazard may not be a second time incurred.

Of the bonded debt of the State, of which I have given a statement, there will fall due of principal, from time to time, in the year 1859, \$200,000, and on 1st January, 1860, \$500,000. Provision must be made by you at this session to meet these debts, and I hold it almost as imperative that you should also provide for the floating debt, as estimated by the Public Treasurer, making together about Eleven Hundred Thousand Dollars. How it is to be done is a matter well worthy the consideration of every one who has at heart the best interests of the State.

We cannot raise the amount by taxation in the short time we have to do it, without imposing a burthen that would fall heavily upon the people. Nor, under existing circumstances, is it at all probable that the amount could be obtained by loan, upon such terms and for such time as would make it desirable. The time was, but I think it has now passed, when the holders of these bonds would readily have exchanged them for State coupon bonds at a long date. It seems to me, therefore, that, with our present resources, almost the alternative left is to make coupon bonds of the State at a long date, with a provision in the bill authorizing their issue, to create a special sinking fund sufficient to pay, and involuntarily pledged to pay, these bonds at maturity; and that the bonds should then be sold in the market as the money may be wanted at the Treasury. Judging from the present prices of our bonds in market, I believe their ultimate payment, would sell for par if not for a premium. I shall be much pleased if a more feasible scheme for relief than the one suggested, can, in the circumstances in which we are placed, be devised by the Legislature.

The books in the Treasury Department show that the revenue of the State from all sources, except from the sale of State bonds for the two fiscal years ending the 30th of September last, was for the year 1856-57, \$512,205.02, and for the year 1857-58, \$507,450.35.

It should be stated, however, that about the sum of \$7,000, part of the sum first named, properly belonged to the year 1855-56, not having been actually paid into the Treasury, as it should have been before the end of that fiscal year; while about the sum of \$4,000 should be added to the second sum named, for defaults by Sheriffs, which will probably be collected during the present fiscal year. These amounts of revenue compare favorably with those reported to the last General Assembly for the years 1854-55 and 1855-56.

Should the revenue continue the same for the present and next fiscal year, and bonds to the amount of the floating debt be disposed of, the Treasury for the two years would realize about the sum of \$1,400,000, an amount, in all probability, sufficient to pay the interest upon the existing State debt, and also the current expenses of the State Government. But as to this I do not wish to be considered as speaking with absolute certainty, the estimates at the time of preparing this statement not having been completed by the Public Treasurer.

By an act of the last General Assembly it was made his duty "to furnish estimates of the expenses of the State for two years next succeeding the close of the last fiscal year, and with a scheme in the form of a bill to sustain such estimates."

This will be laid before you at an early day in the session.

Should the form of the present revenue bill be retained, I would again, as I did in my last regular message, most respectfully remind the Legislature that there are many difficulties in the construction of parts of that act, which have from time to time been presented by the collecting officers of the State and others to the Treasurer and Comptroller, and which should be rendered plain by a new or explanatory act.

It would be out of place to attempt to detail them here, but they can be pointed out by those officers to your finance committee.

I repeat what I before stated that, in case of doubt the State is generally the loser, as collecting officers will not, in such cases, enforce the collection of the tax, at the hazard of a suit, should they mistake the law.

I desire also to call your attention to the present mode of assessing lands for taxation. Every one who has given any attention to the subject, must have become satisfied how imperfect it is, and how unequal such assessments are made, not only in different counties whose lands are known to be nearly of the same value, but that such assessments are quite as unequal and out of proportion to any fair standard of value, in the several districts of which a county is composed.

If the present system of valuation is retained, I think this last evil may be remedied in a great degree, by requiring the assessors for the several districts composing a county to meet together as a Board, after the assessments have been made and before they have been returned to court, and that the Board, so composed, shall examine and compute all the lists, and have power

to increase or diminish any assessment, as to a majority of them may seem right and proper. The list so corrected to be returned to court as now required by law.

In my regular message to the last General Assembly, I urged upon them the policy of creating a sinking fund for the alternate discharge of our State debt. I take occasion to renew the recommendation then made. The bill passed at the last session, inadequate as it was from the smallness and uncertainty of the fund provided, was nevertheless a step in the right direction. The fund, though small, affords a nucleus around which a larger one may be built up. A Board of very able and experienced gentlemen were appointed to manage it, who have heartily undertaken the important trust confided to them, and who will doubtless lay before you, valuable information and suggestions as to its increase, what amount will be required from year to year to meet our debts as they fall due, and as to the best means to be adopted for the preservation of the public credit.

The Railroad stocks belonging to the State and not before appropriated to other purposes, constitute the chief part of the sinking fund. The receipts so far have been mainly, if not entirely, from dividends declared on stock in the Raleigh and Gaston Railroad Company. It was hoped, and, I believe, generally expected that after your last session, dividends would be made by the North Carolina Railroad Company, at least on the preferred stock held by the State, for her last subscription of one million of dollars. In relation to this a question has arisen of some importance to the State as well as to the individual stockholders, and to which I deem it my duty to call your attention.

This preferred stock was taken by virtue of an act, Ch. 32, Laws 1844-5, entitled "an act for the completion of the North Carolina Railroad;" and by which it was, among other things provided that, "the State shall be entitled to six per cent per annum, payable semi-annually thereon, out of any dividends of profits made by said company, before any dividends shall be paid on any other stock in the same."

In the two last annual meetings of the stockholders in the Company, it was insisted by Judge Ruffin, the State proxy, that out of the receipts, over and above the necessary expenses of operating the Road, the State was entitled to have a dividend on her preferred stock—and that such receipts were not properly applicable to the payment of debts of the Company, contracted antecedent to the passage of the said act, or to new works to be constructed. Or if to the latter, they were only applicable to such as were indispensably necessary to operate the Road. Whereas, the reports of the officers of the Company showed that these receipts were sufficient to pay a dividend to the State in each of these years, but that they had been applied by the officers of the Company to the discharge of existing debts, and to the construction account. The officers and stockholders in the Company took a different view of the matter, and insisted that the fund had been properly and legally applied, and that the State had no just claim to have any dividend, under the circumstances. The proxy of the State reported these facts to me, to the end that I might take such action in the premises as in my opinion the interest of the State might require. In the conflict of opinion I did not deem it advisable to take any steps to assert the claim of the State, but concluded to submit the whole matter to the General Assembly for such directions, if any, as they may think proper to give.

At your last session a bill was passed, tending to the Bank of the State a renewal of its charter. At a general meeting of the stockholders in the City of Raleigh, the matter was taken into consideration, and I was informed that they declined to accept a renewal of the charter upon the terms contained in the bill. As the charter under which the Bank is now doing business will expire on first of January, 1860, although by law it is allowed three years after that time to wind up its affairs, it will, in my opinion, be highly expedient for the Legislature, at this session, to charter some institution of the kind, to take the place of the Bank of the State, should it go into liquidation. It has been sometimes suggested that the capital of the Bank of Cape Fear might be increased to an amount sufficient to supply banking facilities to the community, and to furnish also the means of making a safe and profitable investment of that portion of the literary fund now invested in the stock of the Bank of the State. But it is uncertain whether the Bank of Cape Fear would accept of such a proposition, and if that difficulty were removed, it seems to me that such an arrangement would be objectionable. So long as we have banks of discount and deposit, it would, in my opinion, be highly impolitic to build up one overgrown institution which would have the power, in a great degree, to control the monetary affairs of the State. The same amount of capital divided between two banking institutions, with branches in different sections of the State, would be better and safer, as each will act as a check upon the other. I have no particular recommendations to make as to the amount of capital or of what it shall consist, or as to the details of any charter to be granted. Many schemes will doubtless be submitted to you, and I shall only express the hope that you will be able to select one, which, while it will hold out to stockholders a reasonable hope of fair profits upon their capital, will at the same time afford ample facilities to the public. Nor should it be forgotten that such an institution, properly conducted, will be able to render important aid to the State in the management of her finances and the payment of her debts.

Our existing laws regulating the rate of interest on money lent, and attaching penalties to their violation, have lately, to some extent, become a topic of discussion. The policy of such laws has been seriously questioned. We live in a highly commercial age, and it cannot be denied that in most of the great commercial centres of the world, the rate of interest paid, or in other words the rate of interest paid for its use, depends upon the supply and the demand, and the risk incurred by the lender, and that all attempts, by law, to confine the rate of interest within certain fixed and prescribed limits have proved futile. Such being the case, it has been deemed a wiser policy to remove the restrictions as to the amount to be paid for the loan or forbearance of money over and above a certain fixed rate, where no special agreement is made, and thus to allow money like property to seek its own value.

It is said, how truly I am not sufficiently informed to say, that large amounts of capital owned by our citizens have gone from our State to seek for more profitable investment in other States, where the rates of interest are not restricted as by our law, and that such will continue to be the case to our serious detriment. It may be doubted whether at this time capital employed in most business enterprise in this State, paying a greater rate of interest than that now fixed by law, can be reasonably expected to remunerate the employer. But however this may be, it may still be well questioned, whether the State should step in and undertake to say what contract may or may not be entered into by her citizens, or upon what terms they may engage in any business enterprise. Without expressing a decided opinion as to the policy of our existing laws, the subject is one of importance, and as such, I recommend it to your careful consideration.

I transmit herewith reports made to me by request, by the Presidents of the Atlantic and North Carolina Railroad Company, the Western North Carolina Railroad Company, the Chesapeake and Albemarle Canal Company, and the Cape Fear and Deep River Navigation Company, the only works in which the State is interested as a stockholder, which are now, or have been, in a course of construction since the adjournment of the last Legislature.

These reports are not so full as they would have been, had more time been allowed in their preparation; but they may serve to show the present condition of these works and of the companies.

In a short time I hope to be able to present to you additional reports from these companies, and also reports from other companies in which the State is a stockholder. I forbear to comment on these reports as you will have ample opportunity to examine them when printed and laid before you.

I have so often expressed my opinions to the Legislature on the subject of internal improvements, that I deem it unnecessary to repeat them here. Though we have incurred a heavy debt in the construction of works of the kind, it is not one, by any means, beyond our ability to pay.

Whether additional appropriations shall be made at this session, and for what purposes, is a matter which properly belongs to you to determine, and with you I shall leave it.

During last summer a Board of Commissioners, appointed by the Secretary of the Navy, under a resolution of the Senate of the United States, visited the Deep River country with a view of ascertaining its suitability as a location for government machine shops for the manufacture of machinery for the United States Navy. At the head of this commission was Capt. Charles Wilkes of the Navy, a gentleman distinguished not only in the line of his profession, but as a scientific explorer. I felt it my duty, in connection with many of our citizens, to extend to these gentlemen such civilities as I could offer.

A report will be made by them to the next Congress of the United States, and I have every reason to believe that it will be of the most satisfactory character, so far as the existence, in that region, in the greatest abundance, of iron, coal, and other necessities for a government establishment of the kind, is concerned. Indeed, the examinations made during the present year, not only by scientific men, but by those having a practical knowledge of such matters, have tended more and more to bring to light the immense mineral resources of that remarkable region.

Some of these gentlemen I have seen and conversed with, and all concur in these opinions, and especially as to the existence there of immense quantities of the most valuable kinds of iron ore. To develop this wealth, however, there was but one opinion as to the necessity of proper means for transportation. With adequate Railroad and water facilities, no doubt was entertained by any of them, as to the rapid development of the coal and iron interest, and that it would be speedily followed by others almost as important.

I deem it my duty to call your attention to the condition of our militia system. I regret to say that we have now scarcely any military organization in the State, except what is to be found in a few volunteer companies. But few Regiments exist that have officers, or that are called out at any time to perform military duty. Should an emergency arise, requiring the employment of any considerable military force, we should, for a time, be almost powerless for want of any organization. If a well regulated militia be of the first importance in our system of government, (and such has been the opinion of our wisest men, both civil and military,) then something should be done to infuse vitality into that of our State, so as to place in a condition, if not of positive efficiency as a military body, at least in one in which it might be made available, and its efficiency improved as occasion may require. I have no expectation that under our present laws, or any amendments thereto likely to be adopted, any high degree of military discipline or skill in the drill of the soldier can be attained. Nevertheless, I entertain as little doubt that if our present laws, with some modifications, were enforced, the system might be placed upon a respectable and useful footing. Our present system has been, practically speaking, without a head; and I assume it as a fact, which I believe cannot be successfully controverted, that no military organization can be maintained without an active and efficient head. Namely, the Governor of the State is the Commander in Chief of the militia, and the organization of the system seems to have been designed by means of an Adjutant General appointed by him. But the pay of that officer, (two hundred dollars per annum,) is so small, that no one can expect him, under existing circumstances, to devote but a small portion of his time to his military duties. To give efficiency to the office, the pay should be such as to enable him to devote the whole or the greater part of his time to its duties, visiting such parts of the State as might from time to time require his presence, and infusing vigor where laxity prevailed—reporting to the Governor as often as necessary the condition of things, whose duty it should be to cause the laws to be enforced, and to maintain a general supervision over the whole system. This, with a simpler and more direct and easy manner of vacating the offices of Generals of divisions and brigades, and causing new elections to be held to fill such vacancies where the holders of such offices failed to

equip themselves and review their respective commands, as required by law, would, I believe, soon restore the organization which has been lost, and open the way for further improvements. It is also believed by many, and in that opinion I concur, that a serious blow was struck to our militia system, by exempting from ordinary military duty all above the age of thirty-five instead of forty-five years.

I submit these views with the utmost deference. The subject is an important one, and I recommend it to your attention. Unless something is done, the whole system had as well be abandoned.

In this connection I beg to renew the recommendation made by me to the last General Assembly, that the Governor of the State be empowered to furnish arms from the State Armories for the use of such schools in the State as may apply for them, bonds being given for their safe keeping and return as now required of Volunteer Companies.

I transmit herewith the Report of the Directors of the Insane Asylum. The report contains important suggestions and recommendations, which will no doubt receive, as they deserve, your careful consideration.

The last Legislature repealed the law imposing a tax of one and three-fourths cents on every hundred dollars worth of land, and five and one-fourth cents on every taxable poll, for the support of the Asylum; and, for that purpose, appropriated twenty thousand dollars for each of the years 1857 and 1858, to be paid out of the treasury. No provision was made to raise the forty thousand dollars appropriated, save that the several counties having patients in the Asylum were required, as they had been before, through their County Courts, to levy the amounts charged and due for their support, and cause them to be collected and paid into the public treasury with other public taxes.

On the first of July last, the Superintendent of the Asylum reported to the public treasurer the counties having patients at the institution, and the sums respectively due by them, amounting in the aggregate to the sum of \$17,954.57, of which the Sheriffs paid in, with the public taxes before the end of the last fiscal year, the sum of \$7,109.62, showing that the counties are yet in arrear for patients at the institution, to the first of July last, \$10,844.95, without including anything for the support of the patients since that time. This fact fully proves that under the existing law, the counties cannot be safely relied on to reimburse the Treasury in such cases.

It is true that the law provides that if the tax shall not be paid by any county within twelve months after it is due, the President and Directors of the Literary Fund shall deduct the amount thereof from the share of such county, in the common school fund next to be distributed, and pay the same to the public Treasurer.

This, itself, would be a serious evil, as it would deprive the common schools of part of the very inadequate sums now set apart for their support. And besides, should a county fail to pay, it will be at least eighteen months after a patient is sent to the Asylum, before the State can realize any thing in this way for his support.

As the act of the last session was limited to two years in its operation, further legislation will be required at this session. If the Legislature be disinclined, as it has been heretofore, to make the Asylum a charge upon the State at large, then, it seems to me, that some more efficient means should be adopted to enforce prompt payment by the counties, otherwise the support of the institution will seriously embarrass the operations of the Treasury.

I apprehend that it will be found difficult, in practice, to have a State tax, in a county, levied and collected, promptly, through the agency of the County Courts. Such mode of levying and collecting a State tax would seem to be an anomaly. I can see no means of effecting a prompt collection of such a tax on counties, except through the intervention of the officers of the State.

Should the tax be continued on land and polls, the means would be furnished in the Comptroller's Office of ascertaining what per centum upon the lands and polls of any county, would raise the amount due to the State by that county. By the law, as it now is, the Superintendent of the Asylum is required to notify the public Treasurer of the amounts due by the several counties. It seems to me that a law may be so framed as to have the rate of tax ascertained on lands and polls, (being always sufficient to cover any loss for insolvency) and that being reported to the Public Treasurer, it may be his duty to issue a warrant to the Sheriff of the county, whose duty it may be made to collect the tax.

I submit these suggestions for your consideration. Of course the details should be such as to protect the counties as well as the State requiring the Sheriffs to pay to the State only the amount due, and to account for any overplus collected to the counties.

The reports of the Superintendent of Common Schools for the last and present year will be laid before you, to which I refer you for information as to the schools. That officer, with his usual industry, soon after the rise of the last Legislature, made a digest of the laws on the subject of Common Schools, a large edition of which, as well as of the laws in full, was published by the Literary Board and generally disseminated through the State. With much skill and care he also prepared a Common School Register, which was published by order of the Board in sufficient numbers to furnish one copy to each school in the State. The cost of this publication was considerable, but the Register will last for six or eight years, and will tend greatly to promote order in the schools and uniformity in the system throughout the State. I have every reason to believe that the system is an improving one, and that we shall realize from it the most beneficial results. Experience has shown from time to time wherein our Common School laws were defective. The legislation of the last session, in curing some abuses, and some further legislation may be necessary. But I prefer to make no particular recommendations on the subject, as the Superintendent, from his knowledge of the practical working of the system, is better qualified than I am to suggest such amendments as are necessary. The amount distributed by the Literary Board for the last two years for Common Schools, was the same as that for several preceding years: that is to say, about the sum of \$180,850 per annum.

I transmit herewith a certified copy of a

law passed by the Legislature of the State of Virginia, proposing a joint commission to run and mark the dividing line between that State and the State of North Carolina, from the point where the dividing line between Pittsylvania and Henry counties, in the State of Virginia, intersects with the North Carolina line to the Western limit of this State.

It will be seen by reference to the map of this State, that the proposed starting point is in the northern boundary of the county of Rockingham, and that the line extended west passes also along the northern boundary of the counties of Stokes, Surry and Ashe.

I am not informed whether the whole boundary between the two States, east of the proposed starting point, is known and undisputed.

It is hardly necessary for me to say that it is highly important that the boundary between the two States should be well settled and defined. While it is in dispute, questions involving the rights and duties of citizenship, as well as title to property, will frequently arise, and it will moreover be exceedingly difficult to bring offenders against the criminal laws to justice, because in every indictment, it is necessary to aver that the offence was committed in some county in the State, and to prove the averment as laid before a conviction can be made. The very imperfect manner in which the dividing lines between the older States of the Union were originally run and marked, has been the source of no little trouble and contention.

Our Bill of Rights sets out the boundaries of the State, and after describing the southern boundary, proceeds as follows:

"Therefore all the territories, seas, waters, and harbors, with their appurtenances, lying between the line above described and the southern line of the State of Virginia, which begins on the sea-shore, in thirty-six degrees thirty minutes north latitude, and from thence runs west agreeable to the said charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty, and partial line without the consent of the Legislature of this State, at anytime thereafter directed or laid out, in anywise notwithstanding."

After receiving the proposal from the authorities of Virginia, I was induced to examine our early archives with a view of ascertaining what evidence they might furnish from which the line between this State and Virginia, as originally run, might be ascertained.

It appears that after many difficulties and disagreements between the authorities of the two provinces, an agreement was made, subsequently sanctioned by the King in council, for the running of the line, and that Wm. Byrd and others on the part of North Carolina were appointed commissioners for that purpose. The line was commenced in the month of March, 1728, on the north side of Currituck Inlet, which, by observation, was ascertained to be in about thirty-six degrees thirty-one minutes north latitude. From thence the line was extended due west, making allowance for the variation of the compass, to the Chowan River, which was intersected about half a mile north of the mouth of the Nottoway. The line was then turned down the Chowan to the mouth of the Nottoway, according to the agreement, and from the middle of the mouth of the Nottoway was again extended, due west, to the west side of the Meherrin River, about two miles from the point where it was first intersected, the line crossing the river three times in that distance. Here the commissioners agreed to suspend further operations until the ensuing fall, having first made out and signed duplicate maps and descriptive reports of the line.

A full report, as to this part of the line, is to be found in the journal of the proceedings of the Governor and council under the Proprietary government, now in the office of Secretary of State. I have not been able to find any account or report of the extension of the line farther west among our archives, which, however, at that early day, are quite incomplete. It is highly probable, as the Proprietary government ceased soon after, that the subsequent reports of the commissioners were transmitted, to the royal government, and can only be found among the papers of the colonial office England.

Wm. Byrd, one of the Virginia Commissioners, left a very full and interesting account of the extension of the line, not published until the year 1841, under the title of "Westover Manuscripts"—and from which it appears that the commissioners resumed their work in the month of September, 1728, and extended the line, conjointly, to a point on the Hico river, now in the county of Person, I believe, when the North Carolina Commissioners and one of the Virginia Commissioners declined to go farther, on the ground that they were already far in advance of the settlements—and that duplicate maps of the line were made out and signed as before, and the North Carolina Commissioners returned home.—Whereupon the Virginia Commissioners alone continued the line some seventy-two or three miles farther west, crossing the Dan several times, and farther on a stream which they called the Irvin, and terminating not far from the mountains, on "a rivulet which ran with a swift course towards the south," making the whole distance, as computed by them, from the sea shore to the terminus of the line 241 miles and 302 poles. This terminus I believe to be in the present county of Stokes. The writer further states, that posts were put down to show the line at the crossing of the roads, but through the forests the line was merely chopped on the trees.

Subsequent accounts state that the line was extended about the year 1749, by Joshua Frye and Peter Jefferson, on the part of Virginia, and Daniel Weldon and Wm. Churton on the part of North Carolina, from Peters' creek to Steep Rock creek. Peters' creek is probably the same stream, or near the same stream as that upon which the former commissioners on the part of Virginia terminated their line. I have not been able to ascertain whether "Steep Rock creek" is east or west of the present western boundary of the State, nor to find under what authority the commissioners last named acted, in extending the line.—It seems, however, to have been indirectly sanctioned by the General Assembly of this State in 1779. See Rev. Stat. Vol. 2, p. 82, whereby Richard Henderson and others were appointed commissioners to act with others from Virginia, to extend and mark the line between the two States, "beginning where Joshua Frye and Peter Jefferson, commissioners on the part of Virginia, together with Daniel Weldon and Wm. Churton, from North Carolina, formally appointed to run the said line, ended their line, and if that found to be truly in the latitude of thirty-six degrees thirty minutes north, then to run from thence due south to the Ohio river; or if that found not to be truly in the latitude of thirty-six degrees thirty minutes north, then to run from said latitude due south into said latitude, and thence due west to the said Tennessee river."

Thomas Walker and William Smith, the commissioners on the part of Virginia, I have not been able to find any report made by the Virginia commissioners, may be seen in Hanning's Statistics of the State of Virginia, Vol. 9, p. 561. It seems from the terms of Frye and Jefferson's line, that the commissioners were not to be bound by the line of the former commissioners, but were to ascertain the true line of latitude on that creek by astronomical observation, and from that point, to run the line, and to prove the distance from Currituck Inlet, in superficial measure, 329 miles, or five degrees forty-two minutes, or five degrees forty-two minutes, that the commissioners of the two States differed in running the line, and that the line, known subsequently as the southerly and Walker's line. In 1791, however, the line called Walker's was adopted by both States, with the exception that the oldest grant from either for land within the disputed line gave title to the claimant. Here Stat. 13, p. 258.

I have thought proper at the hands of the considered tedious, if not preposterous, to go to some length into the history of our northern boundary. Much, it may be said, of the line now proposed to be established, is, I am informed, in dispute. It may be that other portions of the line are also the subject of controversy, these ought also to be well defined, and would respectfully recommend, that the proposal on the part of the State of Virginia be acceded to, with such modifications, if any, as may be deemed necessary, and that competent commissioners be appointed by the Legislature, the Governor of the State, under authority given him to do so, clothed with powers to run the line where it is in dispute, and settle the boundary between the States. Permanent land-marks should be required to be put up along the line.

During the present year, Dr. E. M. State Geologist, submitted a report on Agriculture of the State, and the being one of very general interest. Literary Board deemed it advisable to purchase two hundred copies to be published. About 624 copies of the former report yet on hand. By some means the distribution of this report, in the hands of the last General Assembly, and did not pass. I deem expedient, however, in accordance with terms of the resolution, to send copies of the report to every State and Territory, to every State and Territory, and to a few individuals who applied for them, and who it was thought would make use of them. Some have been sold, proceeds will be accounted for by the State. The residue on hand, the whole number of the Agricultural report are subject to your disposition. The cabinet of minerals and geology specimens in the Capitol has been enlarged and improved, and I will examine the various such matters, but by one taking an interest in the minerals of the State. The opportunities for visiting many fine specimens are ample, was suggested to me by Dr. E. M. he is allowed to collect and all the insects of the University and other of the State, which might well be, and which I recommend to your consideration.

When the last revival of our general Assembly, a resolution was passed, requiring the distribution of the Revised Code to each of the subscribers in the State. The resolution, terms, confined the distribution to persons then acting Justices, and called all such a might subsequently be made. The Governor was also authorized to make a sale of other copies. So far the sale has been small, and of the edition of ten and copy, which was published, and provision is made for their safe keeping by opening the boxes and storing books, they are liable to be damaged by worms and other causes. As many libraries have since qualified, and as receive no compensation for their services, I recommend that a further distribution be made of the Code, among those who have been appointed since the former distribution was made, and who are now acting Justices in their respective counties.

I transmit herewith a letter from Wm. Walker, acting Governor of the State, requesting that our Law Supreme Court Reports be furnished to the use of the Chowan Government. It is

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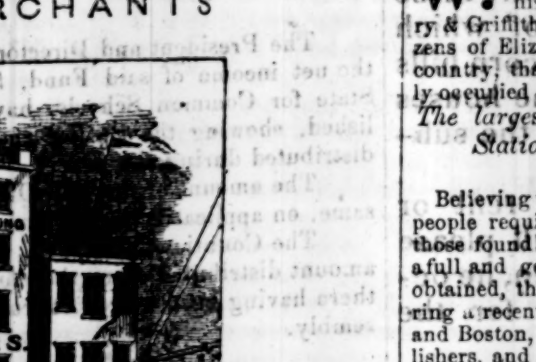
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